



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 10/09/02

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) John Ullrich (3) Eric Stoltz  
(2) Yvonne Epler (4) Kenley Hane

Date of Interview \_\_\_\_\_

Type: ☐ Telephonic ☐ Televideo Conference ☒ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No If yes, brief description: \_\_\_\_\_

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: All Pending

Identification of prior art discussed: \_\_\_\_\_

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: \_\_\_\_\_

Discussed details of references submitted for support of utility assertions. We were provided with an explanation from the scientist regarding why the asserted utilities were not contradictory & discussed responses that could overcome this. Discussed putting a detailed response - pointing to specific regions in the spec & references that support the asserted utilities.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.

## Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

a complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be on whether or not an agreement with the examiner was reached at the interview.

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### §1.133 Interviews

If reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111

Transactions in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of representatives at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or

The Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to make a proper record of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates otherwise. The examiner's responsibility is to see that such a record is made and to correct material inaccuracies which bear directly on the question of

For each interview held after January 1, 1978 where a matter of substance has been discussed, the examiner will fill out a two-sheet carbon interleaf Interview Summary Form by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding interviews are limited solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure. The Form should be filled out in the interview room, or if necessary, in the examiner's office, to avoid typographical errors or unreadable script in Office actions or the like, or resulting in an examiner's amendment that fully sets forth the substance of the interview. The recordation procedures below.

The Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file. At the conclusion of the interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the event the copy is mailed to the applicant's correspondence address either with or prior to the next official communication.

Recordation of the following information:

1. Nature of the application

2. Interview (oral or telephonic)

3. Interview by (applicant, attorney or agent, etc.)

4. Whether or not an exhibit was shown or a demonstration conducted

5. Claims discussed

6. Specific prior art discussed

7. If an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of the agreement as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the

8. Name of examiner who conducted the interview  
9. Name of Patent and Trademark Office personnel present.

10. A statement reminding the applicant of his responsibility to record the substance of the interview.

11. The examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by recording the substance of the interview.

12. That the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, and the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview:

Recordation of the substance of any interview should include at least the following applicable items:

1. The nature of any exhibit shown or any demonstration conducted,

2. Claims discussed,

3. Specific prior art discussed,

4. Principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form by the examiner,

5. The general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature of the arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to

6. Describe those arguments which he feels were or might be persuasive to the examiner,

7. Any other pertinent matters discussed, and

8. The general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

13. The examiner will carefully review the applicant's record of the substance of an interview. If the record is not complete or accurate, the examiner will give the applicant a date of the notifying letter to complete the reply and thereby avoid abandonment of the application (37 CFR 1.135(c)).

### Examiner to Check for Accuracy

The examiner will check what took place at the interview should be carefully checked to determine the accuracy of any argument or statement attributed to the applicant. If there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the next Office letter. If the examiner has reasons of record, the examiner should send a letter setting forth his or her version of the statement attributed to him. If the record is not complete, the examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and